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2 **Board of Towing and Recovery Operators**

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4 **Licensing and Regulatory**  
5 **Affairs Committee**

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8 **Working Paper**

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**October 23, 2007**

**Public Safety Regulations**

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1 **Purpose / Requirement for regulation**

2  
3 The Virginia Board for Towing and Recovery Operators is mandated in Section 46.2-  
4 2826 of the Code of Virginia to establish regulations required of Class A and Class B  
5 operators to provide public safety towing and recovery services. For the purposes of  
6 this section, “public safety towing and recovery services” shall be those towing and  
7 recovery and related services requested by a state or local law-enforcement agency.

8  
9 **24 VAC 27- 50 - 10. Definitions**

10  
11 The following words and terms when used in these regulations, by the Virginia Board  
12 for Towing and Recovery Operators, or the Board’s related documents, unless  
13 expressly stated otherwise, shall have the following meanings:

14  
15 **“Board”** or **“BTRO”** means the Virginia Board for Towing and Recovery Operators.

16  
17 **"Class A Operator"** means a towing and recovery business towing vehicles of an  
18 unlimited gross vehicle weight.

19  
20 **“Class B Operator”** means a towing and recovery business towing vehicles of a  
21 gross vehicle weight of 26,000 pounds or less.

22  
23 **"Driver"** means a person who drives or is in actual physical control of a tow truck. A  
24 driver shall have obtained an authorization document issued by the Board in order to  
25 drive a tow truck while providing towing or recovery services.

26  
27 **“Equipment”** means any tow truck, vehicle or related machinery or tools used to  
28 provide towing or recovery services.

29  
30 **"Gross vehicle weight"** means the aggregate weight of a vehicle and the load  
31 thereon.

32  
33 **“Gross vehicle weight rating”** means as defined in Section 46.2-341.4. of the  
34 Code of the Virginia.

35

1 **Law-enforcement officer**" means any officer authorized to direct or regulate traffic  
2 or to make arrests for violations of the Code of Virginia or local ordinances  
3 authorized by law relating to drivers or driving of motor vehicles.

4  
5 **"Operator"** means, for the purposes of these regulations, the same as "Towing and  
6 recovery operator", notwithstanding the provisions of §46.2-100, which defines  
7 operator differently.

8  
9 **"Public Safety Tow"** means requests for towing and recovery services made by a  
10 law enforcement officer of the county, city, or town, or by a State Police Officer within  
11 the county, city, or town pursuant to §46.2-1217 of the Code of Virginia. Additionally,  
12 it shall mean towing requests made by a law-enforcement officer at the request of  
13 the owner or operator of an unattended, abandoned, or immobile vehicle, when no  
14 specific service provider is requested by such owner or operator or if an unattended,  
15 abandoned, or immobile vehicle is located so as to impede the free flow of traffic on  
16 a public highway declared by resolution of the Commonwealth Transportation Board  
17 to be a portion of the interstate highway system.

18  
19 **"Private Property/Trespass Tow"** means requests for towing and recovery services  
20 made by the owner, operator or lessee of private property, or the authorized agent  
21 thereof, pursuant to the provisions of Article 3 of Chapter 12 of Title 46.2 of the Code  
22 of Virginia, or local ordinances adopted under that Article, or under contract between  
23 such person and a towing and recovery operator which specifies what tows are to be  
24 made from the property when a motor vehicle or vehicle or self propelled apparatus  
25 is on the property in violation of law or rules promulgated by the owner, operator, or  
26 lessee of the private property.

27  
28 **"Recovery"** means.....**Ron to research**

29  
30 **"Responsible Individual"** means an individual identified through the Operator's  
31 licensure process who is designated by the operator to represent and be  
32 accountable for all aspects of licensure for the operator and who is either the  
33 principal owner or chief executive officer of the business entity or manager or both of

1 business operations for the operator.

2  
3 **“Tow”** means when the towing vehicle has engaged the towed vehicle by a physical,  
4 mechanical means which causes the towed vehicle to be lifted off of the ground, or  
5 moved for any distance whatsoever.

6  
7 **“Towing and recovery operator”** means any person, including a business,  
8 corporation, or sole proprietor, offering services involving the use of a tow truck and  
9 services incidental to the use of a tow truck. Such shall include but not be limited to  
10 those engaged in the business of (i) removing disabled vehicles, parts of vehicles,  
11 their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring  
12 to the highway or other location where they either can be operated or removed to  
13 other locations for repair or safekeeping vehicles that have come to rest in places  
14 where they cannot be operated.

15  
16 **“Towing and Recovery Services”** means services offered by a ~~towing and recovery~~  
17 ~~operator~~ business licensed as a public safety towing and recovery operator. Any  
18 person who in any way advertises himself as a towing and recovery operator or in  
19 any way conveys the impression that he is engaged in services of providing towing  
20 and recovery of vehicles shall be deemed to be engaged in towing and recovery  
21 services.

22  
23 **“Tow truck”** means a motor vehicle for hire (i) designed to lift, pull, or carry another  
24 vehicle by means of a hoist or other mechanical apparatus and (ii) having a  
25 manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck"  
26 also includes vehicles designed with a ramp on wheels and a hydraulic lift with a  
27 capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow  
28 truck" does not include any "automobile or watercraft transporter," "stinger-steered  
29 automobile or watercraft transporter," or "tractor truck" as defined in § 46.2-100 of  
30 the Code of Virginia.

31  
32 **“Tow Truck Decal,” “Decal”** or similar words mean a Board issued decal to be  
33 affixed to the driver side door of a tow truck owned, leased or operated by a licensed  
34 towing and recovery operator.

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**24 VAC 27- 50 - 20. Fees**

In addition to fees required by 24VAC27-30-20 the following fees shall be applicable:

Certification Item	Fee
Initial Fee Structure/Application Fee,	\$50
Annual License Renewal	\$50
Annual tow truck decal, per vehicle	\$5
Late renewal (operator, or truck decal)	150 percent of renewal fee
Reinstatement following revocation or suspension of certification	\$1000
Verification of certification to another jurisdiction or government entity	\$25
Returned check	\$35
Duplicate copy of certification, or tow truck decal.	\$10

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A. All fees shall be nonrefundable.

B. Examination fees shall be determined by the Board.

**24 VAC 27- 50 - 30. General Requirements for Operators**

As a condition for ~~certification~~ licensure, all operators shall:

A. Be licensed and in good standing with the Virginia Board of Towing and Recovery Operators as a Class A or Class B Operator.

B. Provide the name of the individual or business entity under which the applicant intends to be certified. However, the applicant/certificant, at time of application and each renewal of license, shall provide the Board with any and all trade or fictitious names under which the operator conducts or offers towing and recovery services.

C. Designate and advise the Board of the main or principal office and all additional

1 satellite facilities and the physical addresses. Should such change, the Board  
2 shall be notified within 30 days such change occurs.

3

4 D. Designate a Responsible Individual who shall be knowledgeable of all applicable  
5 state, federal or local laws and regulations related to those public safety and  
6 incident management towing and recovery services offered or rendered by the  
7 operator, and who shall be responsible for assuring that the operator conforms to  
8 them.

9

10 E. List the principal owner's name or owners' names and the name of the  
11 Responsible Individual and of the principal manager and of all other individuals  
12 involved in the management and operation of the business on the application for  
13 license and advise the Board of any change of same.

14

15 F. Certify on the application whether any owner, manager, or other individual  
16 involved in the management or operation of the business entity, including the  
17 Responsible Individual, has been convicted of any criminal offense, whether  
18 felony or misdemeanor.

19

20 **24 VAC 27- 50 - 40. Training Requirements**

21

22 A. All public safety towing drivers and recovery supervisors shall attend an incident  
23 management seminar at least once every 3 years. **Defer all education material for**  
24 **Education Committee.**

25

26 B. Class A public safety towing drivers shall possess a national certification adequate  
27 for towing and recovery of trucks with a GVW of 26,001 lbs. or greater. Drivers shall  
28 attend and pass a minimum of 10 hours of continuing education every three years  
29 pertaining to the towing and recovery of trucks with a GVW of 26,001 lbs. or greater.  
30 Certification shall be by a professional training organization approved by the BTRO.  
31 Training shall consist of minimum of 5 hours classroom and 5 hours hands on  
32 training. Class A public safety towing drivers shall be grandfathered with a written  
33 request to the BTRO from a licensed Class A public safety operator for the drivers  
34 first licensing period after July 1, 2008. A licensed Class A public safety operator

1 with a written request to the BTRO can request a thirty day grace period for any  
2 Class A driver applicant.

- 3
- 4 C. Class B public safety towing drivers shall possess a national certification adequate  
5 for towing and recovery of vehicles with a GVW of 26,000 lbs. or less. Drivers shall  
6 attend and pass a minimum of 10 hours of continuing education every 3 years  
7 pertaining to the towing and recovery of vehicles with a GVW of 26,000 lbs. or less.  
8 Certification shall be by a professional training organization approved by the BTRO.  
9 Training shall consist of minimum of 5 hours classroom and 5 hours hands on  
10 training. Class A public safety towing drivers shall be grandfathered with a written  
11 request to the BTRO from a licensed Class A or Class B public safety operator for  
12 the drivers first licensing period after July 1, 2008. A licensed Class A or Class B  
13 public safety operator with a written request to the BTRO can request a thirty day  
14 grace period for any Class B driver applicant

15  
16 **24 VAC 27- 50 - 50. General Requirements for Office and Storage Area**

17  
18 As a condition for certification:

- 19
- 20 A. The towing company licensed as a public safety towing and recovery operator  
21 shall have a main office location exclusively for towing and storage and shall not  
22 be a part of or attached to a residence. The office space must include a desk,  
23 chairs, filing cabinet (s), a working land line telephone in the name of the tower  
24 and available to customers, a public restroom and working utilities to include  
25 electricity and heating. **Ron to re-write**
- 26
- 27 B. The office shall be open for business and staffed minimum of 5 days a week from  
28 at least 8:00am till 5:00pm, excluding national holidays. **Needs further study**
- 29
- 30 C. The towing company licensed as a public safety towing and recovery operator  
31 shall maintain and own or lease a dedicated storage area able to contain all  
32 public safety towed vehicles towed by the Operator. Storage area shall be fully  
33 enclosed by a commercial grade fence which is at least six feet tall, or enclosed  
34 by a permanent structure, have adequate lighting and remain clear of debris.  
35 Storage area shall have a minimum of 1500 of square footage for Class B

- 1 operators and a minimum of 3000 square footage for Class A operators.  
2 Licensed public safety operators shall not share storage lots with any other  
3 Operator unless the shared storage lot is divided by a stationary fence with a  
4 separate, locked entrance to each storage area.  
5
- 6 D. The office and storage area shall meet or exceed all local and state code and  
7 zoning requirements.  
8
- 9 E. Storage area shall be surfaced with stone, asphalt, permeable surface pavement,  
10 concrete or other similar product.  
11
- 12 F. The towing company office and or storage facility of a towing company licensed  
13 as a public safety towing and recovery operator shall display a sign with the  
14 towing company name and phone number. Sign shall be visible and legible from  
15 a state, county or city maintained highway. Sign shall be at least 3' X 3' or as  
16 approved by local zoning.  
17
- 18 G. The ~~towing company~~ Public Safety ~~Certification~~ License of a towing company  
19 licensed as a public safety towing and recovery operator shall be displayed at the  
20 business office and copies shall be displayed at all storage facilities and satellite  
21 offices.  
22
- 23 ~~H. The towing company will make vehicle and or contents of vehicle available to the~~  
24 ~~vehicle registered owner or authorized agent during normal business hours (8:00~~  
25 ~~a.m. – 5:00 p.m., Monday through Friday). Towing company may charge a~~  
26 ~~separate fee for this service if requested before or after the company's regular~~  
27 ~~office hours.~~  
28
- 29 H. The towing company licensed as a public safety towing and recovery operator  
30 will make the vehicle and or contents of vehicle available to the vehicle registered  
31 owner, namely, the person (1) who has vested ownership, dominion, or title to  
32 the vehicle; (2) is the authorized agent of the owner; (3) is an employee, agent,  
33 or representative of an insurance company representing any party involved in the  
34 collision that resulted in a public safety tow; or (4) is a person subject to a

1 security interest in another person, is entitled to the use and possession of the  
2 vehicle, including a lessee under a lease intended as security only during normal  
3 business hours (8:00 a.m.-5:00 p.m., Monday through Friday). Towing company  
4 may charge a separate fee for this service if requested before or after the  
5 company's regular office hours, unless the local ordinance or contract under  
6 which the towing company is operating precludes the imposition of this type of  
7 charge. **Mr. Beall**

8  
9 ~~I. The towing company shall make a reasonable attempt to provide covered~~  
10 ~~storage or materials when necessary to protect the contents of vehicle in storage~~  
11 ~~area from weather. The towing company may charge a separate reasonable fee~~  
12 ~~for this service.~~

13  
14 I. The towing company licensed as a public safety towing and recovery operator  
15 shall make a reasonable attempt to provide covered storage or materials when  
16 necessary to protect the contents of vehicle in storage area from weather. The  
17 towing company may charge a separate reasonable fee for this service, unless  
18 the local ordinance or contract under which the towing company is operating  
19 precludes the imposition of this type of charge. **Mr. Beall**

20  
21 **24 VAC 27- 50 - 60. General Requirements for Equipment - Ray Hodge to research.**

22  
23 As a condition of certification:

- 24  
25 A. Any tow truck of an operator licensed as a public safety towing and recovery  
26 operator responding to an accident scene shall be equipped with the following  
27 safety equipment:
- 28 1. United States Department of Transportation required fire extinguisher (5lb.)
  - 29 2. Reflective vest or gear shall be available in the truck. (NIMS Compliant or  
30 ANSI Rated) **Next Meeting**
  - 31 3. Two revolving and or flashing amber warning lights visible 360 degrees
  - 32 4. 5 lbs. of oil absorbent material
  - 33 5. Push broom
  - 34 6. Square tip shovel
  - 35 7. ~~Four~~ Two rear flood lights

- 1           8. Flashlight
- 2           9. Three road flares, or triangles or traffic cones.
- 3           10. First Aid kit
- 4           11. Two way ~~private~~ communication (not CB or ham radio)
- 5           12. Rear tow lights
- 6           13. Factory manufactured and rated towing and/or recovery unit
- 7           14. Container for debris removal.
- 8           15. Proper grade of chain (#80) and strap   **MIHRA or VATRO to provide**

9

10        B. Class B towing company licensed as a public safety towing and recovery

11        operator shall own/lease a minimum of 1 towing/recovery truck with a minimum

12        GVW of 10,000 lbs. and a recovery unit of a minimum rating of 8 tons. Unit shall

13        have 2 winches and a boom that raises and lowers, extends and retracts by

14        hydraulics. Unit must have a hydraulic operated wheel lift with a rating of 3500

15        lbs. Company shall also own/lease a rollback having a minimum GVW of 14,500

16        lbs. and a minimum deck length of 19'.   **Use Ron's idea, with a five year**

17        **window.**

18

19        C. Class A towing company licensed as a public safety towing and recovery

20        operator shall own/lease a minimum of 2 towing/recovery trucks with a minimum

21        GVW of 50,000 lbs. each and a recovery unit of a minimum rating of 30 tons.

22        Unit shall have 2 winches rated at 25,000 lbs. each with a minimum of 150' of 5/8

23        wire rope. Unit must have a boom that raises and lowers, extends and retracts

24        by hydraulics. Unit must have a hydraulic operated under lift rated to lift 12,000

25        lbs. at full extension.

26

27        D. Class A towing company licensed as a public safety towing and recovery

28        operator shall own/lease or have a written agreement up to date and readily

29        available for BTRO inspection with a subcontractor to provide the following

30        equipment within a timely manner:

- 31           1. Lowboy hydraulic operated trailer capable of transporting a wrecked or
- 32            disable road tractor and or debris
- 33           2. Box trailer 48' or longer
- 34           3. Dump truck, dump trailer or container

- 1 4. Air cushions capable of up righting a loaded tractor and trailer (80,000
- 2 lbs.).
- 3 5. A skid steer loader or forklift wheel loader capable of moving cargo and/or
- 4 debris from the highway.
- 5 6. Adequate personnel to offload cargo
- 6 7. Tandem road tractor
- 7 8. Forklift
- 8 9. A rotator or crane with a minimum of 35 tons.

9

10 E. A winch boom or under lift that does not have a factory manufacturer rating plate

11 attached to it or that has been altered from it's original construction will not

12 qualify for public safety towing unless unit has been certified to meet or exceed

13 Board of Towing and Recovery Operator standards. Certification shall be done

14 by a reputable testing facility regularly engaged in the testing of such equipment.

15 All testing and/or certification cost shall be the responsibility of the towing

16 company.

17

18 **24 VAC 27- 50 - 70. Public Safety Certification by Examination**

19

20 **Education Ad Hoc Committee**

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23 **24 VAC 27- 50 - 80. Public Safety Certification by Endorsement**

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25 **Education Ad Hoc Committee**

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28 **24 VAC 27- 50 - 90. Standards of Practice**

29

30 Violations of any standard of practice set out in this section may be subject to Board

31 disciplinary actions or sanctions, including suspension or revocation of an operator's

32 license and imposition of civil penalties.

33

34 A. Any tow truck operator licensed as a public safety towing and recovery operator

35 summoned by a law enforcement officer who responds to a motor vehicle

36 accident or incident shall possess a public safety license issued by the BTRO.

37

- 1 B. Support personnel needed to clear an accident scene are encouraged but not  
2 required to be licensed or hold a drivers authorization by the BTRO. Support  
3 personnel shall qualify under Section 40 of these regulations.  
4
- 5 C. At least one BTRO driver's authorization holder or an operator licensed as a  
6 public safety towing and recovery operator shall be at the accident scene at all  
7 times during recovery.  
8
- 9 D. All of an operator licensed as a public safety towing and recovery operator places  
10 of business, including their offices and storage facilities shall comply with any  
11 required state or local building or zoning laws or codes.  
12
- 13 E. If required by the locality in which the operator licensed as a public safety towing  
14 and recovery operator designates as his principal place of business, an operator  
15 must maintain a valid business license from that locality.  
16
- 17 F. Any operator licensed as a public safety towing and recovery operator  
18 permanently ceasing to provide towing and recovery services shall notify the  
19 Board in writing and return the Board issued operator's license for voluntary  
20 cancellation and termination within 15 days.  
21
- 22 G. An operator licensed as a public safety towing and recovery operator must  
23 maintain the following proof of insurance; (i) \$750,000 for Automobile Liability;  
24 (ii) \$750,000 for Commercial General Liability; (iii) \$50,000 for Garagekeepers  
25 Liability, (iv) \$50,000 On Hook coverage, (v) Worker's Compensation as required  
26 by state and federal entities.  
27
- 28 H. Any tow operator not licensed for Public Safety Towing, who arrives unsolicited  
29 at the scene of a motor vehicle accident or incident, shall have their license to  
30 tow revoked for a period not less than one calendar year from the date of offense  
31 or adjudication by the Board, which ever is longer. **Ron Miner**  
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A. Should the Board, after investigation, determine an operator is engaged in or offering public safety towing and recovery services without a license, then, as authorized by §46.2-2808 of the Code of Virginia, the Board may bring an action in the name of the Commonwealth to enjoin any such violation of law, as well as any violations of these regulations, or Chapter 28 of Title 46.2 of the Code of Virginia.

B. Those persons found to be engaged in or offering public safety towing and recovery services without a license may be subject to a Board imposed civil penalty of up to \$1,000 for each violation pursuant to Va. Code §§46.2-2811 and 46.2-2824.

C. Additionally, the Board may seek criminal prosecution for such a violation pursuant to Section 46.2-2812 of the Code.

**24 VAC 27- 50 - 110. Consumer Complaints**

**Gary Teter to research with help from Andy Alvarez.**

A. The Board’s Executive Director or designated staff shall have the authority to initiate an expedited process to mediate and resolve complaints filed against those licensed or otherwise regulated by the Board according to guidelines developed by the Board.

B. Anonymous complaints received by the Board shall be handled in accordance with Board’s policy and guidance documents.

**Ben**

**24 VAC 27-50 - 120. Renewal of Public Safety Certification**

A. All those licensed by the Board as a public safety towing and recovery operator shall, on or before June 30th of every year, submit a completed renewal application and pay the prescribed annual licensure fee.

1 B. It shall be the duty and responsibility of each licensee to assure that the Board  
2 has the licensee's current mailing address. All changes of mailing addresses or  
3 change of name shall be furnished to the Board within 30 days after the change  
4 occurs. All notices required by law or by these rules and regulations are to be  
5 deemed validly tendered when mailed to the address given by the licensee to the  
6 Board, and the licensee shall not be relieved of the obligation to comply with any  
7 notice so mailed if there has been a failure to notify the Board of changes.

8  
9 C. The license of every operator licensed as a public safety towing and recovery  
10 operator who does not submit the completed form and fee or forms and fees,  
11 applicable, by June 30th of each year may be allowed to apply for renewal for up  
12 to one year after that date by paying the prescribed renewal fee and late fee.  
13 However, if the renewal has not been submitted to the Board within 62 days after  
14 the June 30th due date, then on and after August 31st of that year the operator's  
15 license is lapsed. Engaging in towing and recovery services with a lapsed  
16 license constitutes operating without a license and may subject the licensee to  
17 disciplinary action and civil penalties imposed by the Board.

18  
19 D. An operator licensed as a public safety towing and recovery operator whose  
20 license has been lapsed for more than one year and who wishes to resume  
21 providing services as a towing and recovery operator shall apply for a new  
22 operator's license.

23  
24  
25 **24 VAC 27- 50 - 130. Requirements for Continuing Education**

26  
27 **Education Ad Hoc Committee**

28  
29 **~~24 VAC 27- 50 - 140. Requirements for Insurance~~**

30  
31 \* \* \*Move back to the standards of practice.

32  
33 **Captain Chumley**